

REMARKS

The Office Action mailed January 26, 2005 has been reviewed and carefully considered. Claims 1-18 remain pending in this application, of which the independent claims are 1, 3, 7, 11, 13 and 17. Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

Claim 1 recites, "if the determination is that the SEND key has been activated, checking to determine whether a call has been established responsive to the activating of the SEND key; and if it is determined that the call has been established, deactivating the power supplied to the display."

Son, by contrast, merely discloses that determining that a SEND key has been activated (e.g., col. 8, lines 36-38).

Son fails to disclose or suggest the checking recited in claim 1 of the present invention, and fails to disclose or suggest the deactivating "if it is determined that the call has been established" recited in claim 1 of the present invention.

As purported disclosure of the checking step of the present claim 1, the Office Action cites lines 1-10 of column 8 of Son, but the cited paragraph fails to disclose or suggest the checking step of claim 1.

The cited paragraph relates to a Son variation on the Son process for selectively providing a keypad back light (col. 2, lines 44-46). In Son FIG. 6, a keypad

backlight is activated if a user makes a keystroke within a time window of predetermined length that begins with the phone being flipped open. The cited passage varies this procedure by beginning the window with the ringing of the phone due to an incoming call. If, within that window of time (step 308, YES output branch), the user presses a key (step 306, YES output branch), such as a send key, to answer the call, the keypad backlight is activated (step 310).

Firstly, claim 1 recites, ““if the determination is that the SEND key has been activated, checking to determine whether a call has been established responsive to the activating of the SEND key.”

In Son, by contrast, the user presumably is pressing the send key to answer the call. Accordingly, there is no apparent reason why Son would “follow up” to determine “whether a call has been established responsive to the activating of the SEND key.” In any event, Son makes no such disclosure or suggestion of such a “follow up.”

Secondly, claim 1 recites, “if it is determined that the call has been established, deactivating the power supplied to the display.”

Even if we could entertain the fiction, proffered by the Office Action, that Son somehow, for some unknown or unknowable reason, determines whether a call has been established, Son’s response is presumably to activate the backlight (step 310). By contrast, the present claim 1 provides for “deactivating the power supplied to the

display.”

Thirdly, the present claim 1 provides for “deactivating the power supplied to the display.” Earlier in the claim, claim 1 recites, “A battery saving method of controlling the display of a portable telephone having a SEND key and a display configured to be supplied with power.”

Son FIG. 6, and the passage the Office Action cites, relates to a keypad backlight of a communication handset that receives a call, rather than “the display of a portable telephone.” One of ordinary skill in the art would have not considered the Son keypad backlight to be “the display of a portable telephone.”

The “Response to Arguments” section of the Office Action is non-responsive, although the length of the section may, in and of itself, suggest “analysis” at first glance. The section repeatedly suggests that the applicant made certain statements in the most-recent Office Action reply, but reference to the reply shows no such statements. The section then traverses the incorrectly attributed statement. The applicant finds nothing of substance, and nothing meritorious, in the “Response to Arguments” section.

For at least all of the above reasons, the Son reference fails to anticipate the present invention as recited in claim 1.

Reconsideration and withdrawal of the rejection are respectfully

requested.

Nor, according to the above discussion, would it have been obvious to modify Son to resemble claim 1 of the present invention.

As to claim 3, it recites:

- b) if it is determined in step a) that the telephone has been used to set up the call, determining whether said call has been set up; and
- c) deactivating the power supplied to the display based on a determination in step b) that said call has been set up.

Son fails to disclose or suggest the “determining whether said call has been set up” recited in claim 3 of the present invention, and fails to disclose or suggest the deactivating “based on a determination in step b) that said call has been set up” recited in claim 3 of the present invention.

As purported disclosure of the “determining whether said call has been set up” recited in claim 3, the Office Action refers to lines 38-41 and 45-55 of column 6 (hereinafter “the latest passage”) in Son, but the latest passage fails to disclose or suggest the present invention as recited in claim 3.

The latest passage refers to Son FIG. 4, which shows a process for disabling a display back light, but, by the analysis set forth above with regard to claim 1 and the first reason for traversal of the rejection of claim 1, FIG. 4 fails to disclose the “determining whether said call has been set up” recited in claim 3. Likewise, since FIG.

4 step 210 activates a backlight, the second reason for traversal of claim 1 also applies in traversing the instant rejection of claim 3.

For at least all of the above reasons, the Son reference fails to anticipate the present invention as recited in claim 3.

Reconsideration and withdrawal of the rejection are respectfully requested.

Nor, according to the above discussion, would it have been obvious to modify Son to resemble claim 3 of the present invention.

Claims 7-18 are apparatus and software claims analogous to method claims 1-6, and are therefore also regarded as patentable over the applied reference.

As to the other rejected claims, each depends from a base claim that has been shown to be patentable and is likewise deemed to be patentable at least due to its dependency.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

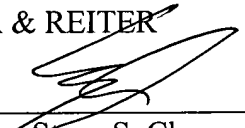
Amendment
Serial No. 09/621,384

Docket No. 5000-1-110

In the event that any additional fee is required to continue the prosecution of this Application as requested, please charge such fee to Deposit Account No. 502-470. If the Examiner has any questions regarding this Application, it is respectfully requested that the Applicants' attorney of record be contacted at the below-noted telephone number.

Respectfully submitted,

CHA & REITER


By: Steve S. Cha
Attorney for Applicant

Date: 4/26/05

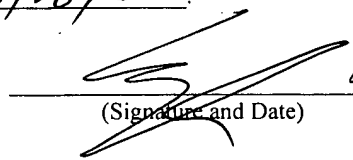
Mail all correspondence to:

Steve S. Cha
CHA & REITER
210 Route 4 East, #103
Paramus, NJ 07652
Tel. (201) 226-9245
Fax. (201) 226-9246

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Steve Cha, Reg. No. 44,069
(Name of Registered Rep.)


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